HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

and

HONOURABLE SRI JUSTICE R.SUBHASH REDDY

Writ Petition No. 14766 of 2005

Between:

M/s. Ashok Minerals Rep.by its Director A. Ashok Kumar, S/o. A. Ranganadhan
R/o. 1/1940, Krishnappa Nagar Railway Station
Kadapa District.

..... PETITIONER

AND

1 The Govt. of A.P Rep.by its Secretary, Dept. of Steel & Mines
New Delhi and others.

...RESPONDENTS

::ORDER::

Counsel for the Petitioner : Smt. N. Shoba

Counsel for the Respondents 1 and 2 : GP for Mines and Geology

Counsel for the Respondent No.3: : Sri P. Veera Reddy

26th December, 2005

Per G.S. Singhvi, CJ

This petition is directed against order dated 5.10.2004 passed by the Central Government under Section 30 of the Mines and Minerals (Development and

Regulation) Act, 1957 (hereinafter referred to as “the 1957 Act”) read with Rule 55 of the A.P. Minor Mineral Concession Rules, 1966 (hereinafter referred to as “the Rules”).

Though the learned counsel for the parties agree that the grounds on which the impugned order has been challenged are identical to those taken in Writ Petition No. 19281 of 2004 which was allowed by the learned Single Judge vide his order dated 19.4.2005, Sri P.Veera Reddy, learned counsel for respondent No.3 made a feeble attempt to persuade us not to interfere with impugned order dated 5.10.2004 by pointing out that the petitioner has approached the Court after long lapse of time and there is no explanation for the delay of almost one year.

We have considered the submission of the learned counsel for respondent No.3 but have not felt persuaded to dismiss the writ petition only on the ground of delay. It is true that the petitioner has filed writ petition after lapse of considerable time, but keeping in view the fact that the order under challenge has already been set aside by the learned Single Judge in Writ Petition No.19281 of 2004 and Writ Appeal Nos.1088 and 1699 of 2005 filed against the order of the learned Single Judge have been dismissed today, we do not consider it proper to non-suit the petitioner only on the ground of delay and feel that the ends of justice require that a similar order be passed in this case as well.

In the result, the writ petition is allowed. Order dated 5.10.2004 passed by the Central Government is set aside. The detailed reasons recorded in the order passed by us today in Writ Appeal Nos. 1088 of 2005 and 1699 of 2005, shall be read as part of this order. The directions contained in that order shall also apply to the present case.

G.S. SINGHVI, CJ

Date: 26th December, 2005

R. SUBHASH REDDY, J

Pnb/vtv